

**CITY OF WENATCHEE
LAND USE HEARING EXAMINER**

IN THE MATTER OF)	FINDINGS OF FACT,
)	CONCLUSIONS OF LAW, AND
CUP-15-02)	DECISION AND
Awaken Church)	CONDITIONS OF APPROVAL

THIS MATTER having come on for hearing in front of the City of Wenatchee Hearing Examiner on July 21, 2015, the Hearing Examiner having taken evidence hereby submits the following Findings of Fact, Conclusions of Law, and Decision and Conditions of Approval as follows:

I. FINDINGS OF FACT

1. An application was submitted by Awaken Wenatchee Church on May 20, 2015 for a Conditional Use Permit: Auditoriums/places of public assembly, and places of worship.
2. The application is for the purpose of repurposing an existing structure to a place of worship to conduct weekly church services for their congregation.
3. The application has been processed as a Type III quasi-judicial review for conditional use permits pursuant to WCC 13.09.050; a public hearing is required for the application – to occur July 21, 2015.
4. A pre-application meeting was held on March 19, 2015.
5. The subject property is located within the North Wenatchee Business District (NWBD).
6. The Wenatchee Urban Area Comprehensive Plan land use designation is NWBD.
7. The proposed action is located at 917 N. Wenatchee Avenue; and identified by Assessor's Parcel No.: 22-20-03-860-248.
8. The subject property is approximately 1.19 acres in size.
9. The applicant is Awaken Wenatchee Church, 10007 Entiat River Road, Entiat, WA 98822.
10. The property owner is Dave Mehelich, 2328 Easy Street, Wenatchee, WA 98801
11. Places of worship are permitted as a Conditional Use in the NWBD.
12. The proposal is consistent with the provisions of Title 10 Zoning.
13. A SEPA checklist was prepared on May 14, 2015 was noticed using the optional Determination of Non-Significance (DNS) process in WAC 197-11-355 and issued a DNS on June 26,

2015. The proposal is consistent with the goals and policies of the Wenatchee Urban Area Comprehensive Plan.

14. Agency comments were received from the City of Wenatchee Development Review Engineer in a report dated July 6, 2015 identifying that there are no recommended conditions of approval from engineering.
15. Agency comments were received from the Chelan County PUD Customer Service Engineer indicating that a primary line extension with easements will be required.
16. Any Conclusion of Law that is more correctly a Finding of Fact is hereby incorporated as such by this reference.
17. An open record public hearing after legal notice was provided was held on July 21, 2015.
18. The File of Record, Chelan County Department of Community Development Staff Report, and exhibits were received, admitted into the record and considered by the Hearing Examiner.
19. Appearing and testifying on behalf of the applicant was Josh Burlingame. Mr. Burlingame testified that he was an agent authorized to appear and speak on behalf of the applicant and property owner. Mr. Burlingame testified that all of the proposed Conditions of Approval were acceptable. He testified that there is a shared parking agreement which, to his understanding, allows their guests to park anywhere in the parking lot and also allows the customers of the other retail establishments to also park anywhere in the parking lot, including the applicant's parcel.
20. Also testifying on behalf of the applicant was Dave Mehelich. Mr. Mehelich is the property owner. He is leasing the property to the applicant. He indicated that there is a reciprocal easement agreement with all of the tenants at his facility allowing any customer or guest to park anywhere within the parking lot at this location.
21. No member of the public testified at this hearing.
22. The Chelan County Hearing Examiner considered all evidence within the record in rendering this decision.
23. The proposal is appropriate in design, character and appearance with the goals and policies for the land use designation in which the proposed use is located.
24. The proposed use will not cause significant adverse impacts on the human or natural environments that cannot be mitigated by conditions of approval.
25. The cumulative impact of additional requests for like actions (the total of the conditional uses over time or space) will not produce significant adverse effects to the environment that cannot be mitigated by conditions of approval.
26. The proposal will be served by adequate facilities including access, fire protection, water, storm water control, and sewage disposal facilities.

27. The location, size, and height of buildings, structures, walls and fences, and screening vegetation for the proposed use will not unreasonably interfere with allowable development or use of neighboring properties.
28. The pedestrian and vehicular traffic associated with the conditional use will not be hazardous to existing and anticipated traffic in the neighborhood.
29. The proposed conditional use will comply with all required performance standards specified in Wenatchee Municipal Code.
30. Land uses, activities, and structures that are allowed by this conditional use permit will comply with the required performance standards specified in the Wenatchee Municipal Code.
31. The proposal conforms to the standards specified in the Wenatchee Municipal Code.
32. Any Conclusion of Law that is more correctly a Finding of Fact is hereby incorporated as such by this reference.

II. CONCLUSIONS OF LAW

1. The City of Wenatchee Hearing Examiner has been granted the authority to render this decision pursuant to WCC 11.04.08.
2. As conditioned, the proposal is consistent with the intent, purposes, and regulations of the Wenatchee City Code and Comprehensive Plan.
3. As conditioned, this proposal meets the general and specific conditional use criteria for WCC 10.65.080 "Auditoriums/places of public assembly, and places of worship".
4. The conditional use permit will run with the land.
5. As conditioned, this proposal is consistent with applicable federal and state laws and regulations.
6. Comments from the reviewing agencies have been considered and addressed where appropriate.
7. As conditioned, the proposal will not be significantly detrimental to the public health, safety and welfare; diminish the value of nearby property or improvements; or disturb persons in the use of property unless the conditional use is a public necessity.
8. As conditioned, the proposal has been designed to minimize adverse effects on neighboring properties, to include at minimum the effects of lighting, transportation, noise, odor, dust, and appearance.
9. The conditions of approval are the minimum necessary to ensure the proposal will comply with all applicable laws and regulations.
10. All conditions place upon the proposed use are conditions that are measurable and can be enforced and monitored.
11. Public use and interests will be served by approval of this proposal.
12. Any Finding of Fact that is more correctly a Conclusion of Law is hereby incorporated as such by this reference.

III. DECISION

Based on the above Findings of Fact and Conclusions of Law, Conditional Use Permit Application CUP-15-02 is hereby **APPROVED** subject to the following Conditions of Approval.

IV. CONDITIONS OF APPROVAL

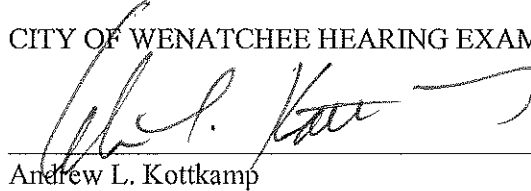
All Conditions of Approval shall apply to the applicant, and the applicant's heirs, successors in interest and assigns.

1. The project shall proceed in substantial conformance with the plans and application materials on file except as amended by the conditions herein.
2. The applicant is responsible for compliance with all applicable local, state and federal rules and regulations, and must obtain all appropriate permits and approvals.
3. Any lighting associated with the completed project shall not be installed to shine on adjoining properties.
4. Any work or improvements in the public right-of-way shall require review and approval by the City of Wenatchee Public Works department.
5. The conditional use permit only applies to 917 N. Wenatchee Avenue; and identified by Assessor's Parcel No.: 22-20-03-860-248.
6. The Awaken Wenatchee Church shall maintain compliance with the standards of WCC Title 10 Zoning and conditions of the conditional use permit at all times. Violation of the terms of the permit and/or requirements of the WCC not expressly modified by the permit shall be processed as a violation pursuant to WCC Chapter 13.13 Enforcement and Penalties.
7. Verification of compliance with the Chelan County PUD requirement for a primary line extension with easements prior to the issuance of final occupancies for the building.
8. A landscape plan meeting all applicable requirements of WCC 10.62 shall be submitted for review and approval for the completion of the commercial building permit process for this proposal.
9. Two pedestrian amenities shall be identified on the landscape plan to be submitted with the building permit application to be approved prior to issuance.
10. A pedestrian connection shall be identified on the site plan submitted with the building permit application to be approved prior to issuance.
11. The refuse storage area shall be identified on the site plan submitted with the building permit application to be approved prior to issuance.
12. A sign permit will be required for the proposed wall sign and shall be consistent with WCC Section 10.50.030.

13. The Applicant shall obtain all permits required by all federal, state and local agencies with jurisdiction.
14. The Applicant shall comply with all federal, state and local laws and regulations.
15. Construction shall proceed substantially as shown on the application materials on file with City of Wenatchee, except as modified by conditions below.

Dated this 23rd day of July, 2015.

CITY OF WENATCHEE HEARING EXAMINER



Andrew L. Kottkamp

Action of the Hearing Examiner is final unless, within twenty one (21) days of the Issuance of the Notice of Final Decision, an appeal is filed in the Chelan County Superior Court as provided for in the Wenatchee City Code, Title 13, Chapter 13.11, and RCW 36.70C.040(3)(4)(a).